

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

AMERISURE INSURANCE COMPANY,	)	Case No.: 1:20-cv-01134-DAD-JLT
	)	
Plaintiff,	)	ORDER WITHDRAWING FINDINGS AND
	)	RECOMMENDATIONS TO DISMISS
v.	)	DEFENDANT MIDAS SOLUTIONS
	)	INCORPORATED
R&L CARRIERS, INC, A CORPORATION,	)	
et al.,	)	
Defendants.	)	ORDER DIRECTING PLAINTIFF TO SERVE THE
	)	SUMMONS AND COMPLAINT AND FILE A
	)	PROOF OF SERVICE WITHIN SIXTY DAYS OF
	)	THE DATE OF SERVICE
	)	
	)	(Doc. 18)
	)	

The plaintiff failed to file proof of service of the summons and complaint on Defendant Midas Solutions Incorporated despite that the service documents were issued by the Clerk of Court on August 14, 2020. (Doc. 2.) On December 18, 2020, the Court issued an order to plaintiff to show cause why Midas Solutions Incorporated should not be dismissed for failure to comply with Rule 4 of the Federal Rules of Civil Procedure. (Doc. 16.) Plaintiff failed to respond to the order to show cause. Therefore, the Court recommended that Defendant Midas Solutions Incorporated and all claims against it be dismissed without prejudice from this action. (Doc. 18.)

Plaintiff filed timely objections on January 22, 2021 in which the plaintiff explains that they have been actively attempting to serve Midas Solutions Incorporated since the inception of this case.

1 (Doc. 21 at 1.) Plaintiff details the multiple attempts to serve Midas Solutions Incorporated but failing  
2 to locate a valid address. (Id. at 2.) Plaintiff alleges that they have retained a private investigator to  
3 find the correct address and are requesting additional time to properly serve Midas Solutions  
4 Incorporated. (Id.) Accordingly, the Court **ORDERS**:

5 1. The findings and recommendations dated January 8, 2021 (Doc. 18) are  
6 **WITHDRAWN**;

7 2. Plaintiff is **GRANTED** sixty days from the date of service of this order to serve  
8 Defendant Midas Solutions Incorporated with the summons and complaint and file a  
9 proof of service.

10 **The plaintiff is advised that failure to comply with this order will result in a**  
11 **recommendation that this defendant be dismissed.**

12  
13 IT IS SO ORDERED.

14 Dated: **February 9, 2021**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE